IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

UNITED STATES OF AMERICA, **Plaintiff,** **vs.** **ROCHESTER MITCHELL,** **Defendant.**	**No. CR 11-2025** **ORDER REGARDING MAGISTRATE'S REPORT AND RECOMMENDATION CONCERNING DEFENDANT'S GUILTY PLEA**

I. INTRODUCTION AND BACKGROUND

On April 19, 2011, a five-count Indictment was returned against the defendant Rochester Mitchell. On September 6, 2011, the defendant appeared before United States Magistrate Judge Jon S. Scoles and entered a plea of guilty to Count 1 of the Indictment. On September 6, 2011, Judge Scoles filed a Report and Recommendation in which he recommended that defendant's guilty plea be accepted. On September 6, 2011, Defendant filed a Waiver of Objections to Report and Recommendation. The court, therefore, undertakes the necessary review of Judge Scoles' recommendation to accept defendant's plea in this case.

II. ANALYSIS

Pursuant to statute, this court's standard of review for a magistrate judge's Report and Recommendation is as follows:

> A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the

> findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made, as follows:

> The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b).

In this case, no objections have been filed, and it appears to the court upon review of Judge Scoles' findings and conclusions, that there is no ground to reject or modify them. Therefore, the court **accepts** Judge Scoles' Report and Recommendation of September 6, 2011, and accepts defendant's plea of guilty in this case to Count 1 of the Indictment.

IT IS SO ORDERED.

DATED this 7th day of September, 2011.

LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA